

FFY 2004 Massachusetts State Homeland Security Grant Special Conditions and Reporting Requirements

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide. Internet link to OJP Financial Guide: <http://www.ojp.usdoj.gov/FinGuide/>
2. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19. Internet link to OMB Circular A-133: <http://www.whitehouse.gov/omb/circulars/a133/a133.html>
3. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local funds for homeland security preparedness.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of ODP.
5. The recipient is prohibited from transferring funds between programs (State Homeland Security Program, Law Enforcement Terrorism Prevention Program, and Citizen Corps Program).
6. **Financial Guides.** The subgrantee agrees to account for its federal grant funds, make quarterly financial reports and meet reasonable fiscal and administrative requirements, in accordance with OMB Circular A-102. The subgrantee further agrees to establish fiscal control and fund accounting procedures which meet minimum requirements of these guideline manuals and which ensure proper disbursement of, and accounting for, grant funds. Such accounting procedures must provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Subgrantees that are not a state or independent governmental agency are required to maintain a separate bank account for each grant. **Quarterly financial reports must be submitted to the EOPS Programs Division within fifteen (15) days after the close of each calendar quarter.** Failure to comply with this condition may result in the withholding of subgrant funds until the delinquent report is received.
7. **Inspection and Audit.** Pursuant to Office of Management and Budget (OBM) Circular A-133 "Audits of State and Local Governments," A-133 grantees and subgrantees must provide for an independent audit of their activities. These audits should be made annually but not less frequently than every two years. References should be made to the Office of Justice Programs' *Financial Guide*. Accounts and records of all Subgrantees which disburse or utilize grant funds must be accessible to authorized officials for the purpose of audit and examination. Contracts made by subgrantees must provide for audit of contractor's records pertaining to the use of subgrant funds. All required records shall be maintained until the audit is completed and all questions arising therefrom are resolved, or for three years after the end of the subgrant period, whichever is sooner.
8. **Civil Rights Requirements.** All recipients, regardless of the type of entity or the amount awarded, are subject to the prohibitions against discrimination in any program or activity and may be required by Office of Civil Rights (OCR) of the U.S. Department of Justice, through selected compliance reviews, to submit data to ensure their services are delivered in an equitable manner to all segments of the service population and their employment practices comply with equal employment opportunity requirements. 28 CFR 42.202 (n).
9. **Americans with Disabilities Act.** All federal grant recipients must comply with the Americans with Disabilities Act (ADA); (i.e., "all state and local government entities do not discriminate against people with disabilities in their programs, services and activities. State and local governments must take steps to examine their programs and establish a plan for compliance with the law.")
10. **Discrimination Prohibited.** No person shall on the grounds of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, specifically the nondiscrimination provision that appears at 42 U.S.C. § 3789(c)(1). Recipients of funds under the Act are also subject to the provisions of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1974, as amended; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; the Age Discrimination Act of 1975, 42 U.S.C. § 6102; and DOJ Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G.
11. **Reporting of Adverse Finding of Discrimination.** It is the responsibility of all grantees, subgrantees, and contractors under grants, to report to the Office of Justice Programs, Office for Civil Rights and the EOPS Program Division, any finding of

discrimination after a due process hearing, on the basis of race, color, religion, national origin or sex by a federal or state court or administrative agency pursuant to 28 C.F.R. Part 42.204(d).

12. Equal Opportunity Program Requirements. It is the responsibility of all subgrantees to ensure that their employment practices comply with Equal Opportunity Requirements, 28 CFR 42.207 and 42.301 *et seq.*, including, where applicable, the requirement of subgrantees to formulate, implement and file an Equal Opportunity Employment Plan with the EOPS and the Office of Justice Programs, Office for Civil Rights.

13. Application of Subgrant Conditions to Contractors. Whenever the subgrantee chooses to implement the proposed project by further subgranting to an implementing subgrantee or an independent contractor, all or any part of the amount of this award, the subgrantee shall include the provisions of these standard subgrant conditions in a further subgrant award or contract which shall be reduced to writing and submitted to the EOPS Programs Division for its prior approval. Such implementing subgrantees or independent contractors, when utilized by the subgrantee, may be responsible for the day-to-day operations of the project, including hirings, terminations, budget revisions and the like, provided that the contracts between the subgrantees and the implementing subgrantees or independent contractors so specify. Such implementing subgrantees or independent contractors shall not, in any way, contravene or contradict the EOPS Programs Division policy or Anti-Drug Abuse Act of 1986 rules, regulations, or guidelines referenced herein. A signed copy of the contract shall be forwarded to the EOPS Programs Division for its files.

14. Reporting. Submit timely and accurate Program Evaluation Reports to the EOPS Programs Division and participate in EOPS sponsored surveys and all other required reports related to any EOPS-administered grant program. The EOPS Programs Division reserves the right to deny payment to approved programs, pending receipt of reporting documentation.

15. Monitoring. Cooperate with EOPS monitoring and site visits.

16. Juvenile lockup data. Submit monthly juvenile lockup data to EOPS (if you have a DYS approved juvenile lockup) via CJIS/LEAPS, as well as compliance with the status offender law (M.G.L. Ch. 119, Sec. 39H) which provides that no status offender (e.g., runaway, CHINS, stubborn child, etc.) may be held securely in a police station lockup.

17. Fingerprint Cards. Submit Fingerprint Cards to the Massachusetts State Police regularly for all felony arrests consistent with state statute (M.G.L. Ch. 263 Sec. 1A). Further, all fingerprint cards submitted to the Department of State Police during the period of this grant shall contain an Offense Based Tracking Number (OBTN) generated and assigned by the police department in accordance with guidelines for said OBTN promulgated by the State Police and Criminal History Systems Board.

18. Uniform Crime Report data. Submit all Uniform Crime Report (UCR) data (i.e., offense, arrest, hate crime, LEOKA, and SHR, as necessary) to the Massachusetts State Police Crime Reporting Unit (CRU) on a monthly basis using the forms and procedures proscribed by the CRU. This condition does not apply to departments submitting NIBRS data.

19. National Incident Based Reporting System extracts. Submit National Incident Based Reporting System (NIBRS) extracts to the Massachusetts State Police Crime Reporting Unit (CRU) and implement a monthly process to do so no later than the conclusion of the grant period. This condition applies to departments with a records management system whose vendor is capable of creating NIBRS extracts.

20. Criminal History Systems Board user agreement. Maintain current user agreement with the Criminal History Systems Board (CHSB) and adhere to its conditions and requirements through the length of the grant period. Further, departments shall report all OUI arrests using the automated OUI reporting system contained within said CJIS system. (This applies to departments with equipment connected to the Criminal Justice Information System (CJIS).

21. Warrant management system. Make every effort to work with local courts to return non-electronic, paper warrants (so-called legacy warrants), issued prior to the implementation of the electronic warrant management system (WMS), for evaluation and possible conversion to the WMS. Departments which are unable to achieve such conversion by the end of the grant period are required to submit a status report to the EOPS Programs Division outlining the number of remaining legacy warrants, and what efforts have been undertaken to achieve their conversion to WMS during the grant period. (This applies to departments currently holding these non-electronic, paper warrants).

22. Sex Offender Registry notification. Submit copy of fingerprint card and a photograph to the Sex Offender Registry Board (SORB) for every Level 2 or Level 3 sex offender who registers at your department pursuant to M.G.L. Ch. 6, Sec. 178F1/2. In addition, your department shall transmit accurate and updated registration data to the SORB via the SX program on CJIS pursuant to M.G.L. Ch.6, Sec. 178F1/2. Further, your department shall make active community notification for all Level 3 sex offenders by placing fliers in strategic locations in your community, or by placing an advertisement in your local newspaper or local cable television access station pursuant to M.G.L. Ch.6, Sec. 178K(2)(c) and CMR 1.33.

23. **Domestic Violence Law Enforcement Guidelines.** Submit the Policy Acceptance Certification for the Domestic Violence Law Enforcement Guidelines 2001 (Revised) to Marilee Kenney Hunt, Director, Violence Against Women Programs, on behalf of the Secretary of Public Safety, in accordance with M.G.L. Ch. 403, Sec. 14.

24. **Property acquired with grant funds.** The EOPS requires that property acquired with grant funds be tagged and tracked using a computer-based inventory system.

25. **Internet access.** All police departments must have departmental Internet access.

26. **Email addresses.** All Chiefs of Police and Project Directors of departmental grant programs must have individual email addresses.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above conditions.

Signature of the Chief Executive Officer

Date